UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.1/48/L.25
4 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
FIRST COMMITTEE
Agenda item 71

GENERAL AND COMPLETE DISARMAMENT

Indonesia*: draft resolution

Request for an advisory opinion from the International Court of Justice on the legality of the threat or use of nuclear weapons

The General Assembly,

Conscious that the continuing existence and development of nuclear weapons pose serious risks to humanity,

Mindful that States have an obligation under the Charter of the United Nations to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recalling its resolutions 1653 (XVI) of 24 November 1961, 33/71 B of 14 December 1978, 34/83 G of 11 December 1979, 35/152 D of 12 December 1980, 36/92 I of 9 December 1981, 45/59 B of 4 December 1990 and 46/37 D of 6 December 1991 in which it declared that the use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity,

Welcoming the progress made on the prohibition and elimination of weapons of mass destruction, including the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction 1/ and the Convention on the Prohibition

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* Submitted on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

1/ Resolution 2826 (XXVI), annex.

of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 2/

Convinced that the complete elimination of nuclear weapons is the only guarantee against the threat of nuclear war,

Noting the concerns expressed in the Fourth Review Conference of the Parties to the Non-Proliferation Treaty, 3/ that insufficient progress had been made towards the complete elimination of nuclear weapons at the earliest possible time,

Recalling that the General Assembly, convinced of the need to strengthen the rule of law in international relations, has declared the period 1990-1999 the United Nations Decade of International Law, 4/

Noting that Article 96 (1) of the Charter of the United Nations empowers the General Assembly to request the International Court of Justice to give an advisory opinion on any legal question,

Recalling the recommendation of the Secretary-General, made in An Agenda for Peace, 5/ that United Nations organs that are authorized to take advantage of the advisory competence of the International Court of Justice turn to the Court more frequently for such opinions,

Welcoming resolution 46/40 of 14 May 1993 of the Assembly of the World Health Organization, in which the organization requests the International Court of Justice to give an advisory opinion on whether the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law, including the Constitution of the World Health Organization,

Decides, pursuant to Article 96 (1) of the Charter, to request the International Court of Justice to urgently render its advisory opinion on the following question, "Is the threat or use of nuclear weapons in any circumstance permitted under international law?".

2/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 27 (A/47/27), appendix I.

3/ NPT/CONF.IV/45/I.

4/ Resolution 45/40.

5/ A/47/277-S/24111.